

DETAILED ACTION

Status of Claims

1. Claims 25-40 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim element “transmission means”, “receiving means”, “extracting means”, “displaying means”, “control means”, “interfacing means”, “recording module” and the corresponding “steps” recite in claims 25-40 are limitations that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed function.

Applicant may:

(a) Amend the claim so that the claim limitation will no longer be interpreted as a limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it expressly recites what structure, material, or acts perform the claimed function without introducing any new matter (35 U.S.C. 132(a)).

If applicant is of the opinion that the written description of the specification already implicitly or inherently discloses the corresponding structure, material, or acts so that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function, applicant should clarify the record by either:

(a) Amending the written description of the specification such that it expressly recites the corresponding structure, material, or acts for performing the claimed function and clearly links or associates the structure, material, or acts to the claimed function, without introducing any new matter (35 U.S.C. 132(a)); or

(b) Stating on the record what the corresponding structure, material, or acts, which are implicitly or inherently set forth in the written description of the specification, perform the claimed function. For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 25-40 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6408435 in view of Henmi (US 5,552,833) in view of Judson (Patent # US5572643), and further in view of Murray (Patent # US 5699089).

The limitation in claims 1-7 of the U.S. Patent No. 6408435 meets the limitation of claim 25 in the instant application except “*particular file format including text based control command*”, “extracting means”, “control means”. And Henmi, Judson and Murray disclose these limitations (see rejections below). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine claims 1-7 in the U.S. Patent No. 6408435 with Henmi, Judson and Murray to provide user with a television system that receives control information from the internet.

Claims 26-40 are corresponding to claims 1-17 of the U.S. Patent No. 6408435, respectively.

6. Claims 25, 30, 35, 36 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 6526579 in view of Henmi (US 5,552,833) in view of Judson (Patent # US5572643), and further in view of Murray (Patent # US 5699089).

The limitation in claims 1-7 of the U.S. Patent No. 6408435 meets the limitation of claim 25 in the instant application except “recorder module”, “*particular file format including text based control command*”, “extracting means”, “control means”, “download codes via the internet”. And Henmi, Judson and Murray disclose these limitations (see rejections below). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine claims 1-3 in the U.S. Patent No. 6526579 with Henmi, Judson and Murray to provide user with a television system that receives control information from the internet.

Claims 30, 35, 36 are corresponding to claims 1-3 of the U.S. Patent No. 6526579, respectively.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2426

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 25-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henmi (US 5,552,833) in view of Oda et al. (US 5204662), further in view of Haroun et al. (Patent # US 5787259), further in view of Judson (Patent # US5572643), and further in view of Murray (Patent # US 5699089).

As to claim 25, Henmi discloses a reception device for controlling a recording module (e.g., image recording/reproducing apparatus 25; Fig. 9), comprising:

receiving means (e.g., reception means A; Fig. 9 and 16) for receiving a particular format file transmitted through a network (e.g., television-program table information is transmitted using teletext formats in a coding transmission system);

said particular format file including text based control commands (e.g., program start and program terminate information) that control said recording module (e.g., based on program start and program terminate information received, start instruction means 23 and termination instruction means 24 sends command to start/stop recoding program) (see col. 3, lines 30-47; col. 4, lines 1-14, 45-60; col. 6, line 4 through col. 7, line 11; col. 7, line 35-col. 8, line 45; col. 11, line 54 – col. 12, line 12);

extracting means (e.g., signal extracting section 1; Fig. 9 and 16) for extracting at least one of said text based control commands from the received particular format file (co. 6, lines 6-12; col. 11, lines 54-62);

control means (e.g., comparator means 22 ; Fig. 9) for controlling said recording module based on the extracted text based control commands (i.e., based on program start/terminate information received to start/stop recording),

wherein the control means converts the text based control commands to codes based on pre-registered product information of the recording module (i.e., “an image recording/reproducing apparatus control section 38 for generating a control signal to an image recording/reproducing apparatus 39 by control information obtained by the added data decoder section 36”; the product information/or control codes must known to the system in order for the system to control the recoding apparatus) (see col. 6, line 62 – col. 7, line 10; col. 11, line 54-col. 12, line 20; col. 13, line 55-col. 14, line 15),

wherein the particular format file includes a text portion corresponding to the text based control commands (e.g., the program start/terminate information) (col. 3, lines 30-47; col. 4, lines 1-14, 45-60; col. 6, line 4 through col. 7, line 11; col. 7, line 35-col. 8, line 45; col. 11, line 54 – col. 12, line 12),

wherein the text portion has a different format distinguishing the text portion from other portion of the particular format file (e.g., the program start/terminate information has predetermine bits and bit position in a data stream) (col. 3, lines 30-47; col. 4, lines 1-14, 45-60; col. 6, line 4 through col. 7, line 11; col. 7, line 35-col. 8, line 45; col. 11, line 54 – col. 12, line 12)

wherein said control means uses a timer reservation function to reserve an operation time of said recording module (see col. 6, line 62 – col. 7, line 10).

Henmi does not specifically disclose recording modules with different code systems are controlled after the recording modules are registered.

Oda discloses recording modules with different code systems are controlled after the recording modules are registered (e.g., controller 20 stores VTR control command in memory 30; Fig. 1 and 3) (see col. 2, lines 15-32; col. 3, line 40-col. 4, line 32).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Henmi's system to include control code register as taught by Oda in order to provide an audio/visual system with remarkably enhancing the handling convenience (see col. 2, lines 1-19).

Henmi and Oda do not specifically disclose the codes are downloaded from a server via internet after the recording module is registered.

Haroun discloses the codes are downloaded from a server via internet after the recording module is registered (see col. 7, line 43-col. 8, line 10),

displaying means (e.g., TV 50; Fig. 1) for displaying the commands by using a application (e.g., using a graphical user interface for displaying button controlling the electronic devices) (see col. 9, lines 25-35);

interface means (e.g., device 490; Fig. 6) for determining code information assigned to an individual program and corresponding to the text based control commands, generating an infrared signal equivalent to the code information, and transmitting the infrared signal to the recording module (e.g., converts the commands to infrared signals and directs to the appropriated electronic device) (see col. 10, lines 20-34);

It would have been obvious to one of ordinary skill in the art at the time of invention to include device registration and command signal conversion as taught by Haroun in the recoding system of Henmi as modified by Oda for the typical benefit of ease of use, improved functionality, and reduced costs resulting from the elimination of the interface components of the consumer electronics devices (see col. 1, lines 25-29).

Haroun discloses download the control codes from the Internet. Henmi, Oda and Haroun do not specifically disclose displaying the commands in web pages by using a web browser application;

Judson discloses displaying means (e.g., monitor; Fig. 1) for displaying the text based control commands in web pages by using a web browser application (e.g., displaying web pages on the monitor via a web browser; Fig. 1, 2 and 5) (col. 4, lines 35-50; col. 6, lines 13-24).

It would have been obvious to one of ordinary skill in the art at the time of invention to have browser as taught by Judson to the recoding system of Henmi as modified by Oda and Haroun to have web page based graphical user interface that provides control information of other devices to the user without locally store all the data in the computer.

Henmi, Oda, Haroun and Judson do not specifically disclose icons indicating commands for determining functions of the recording module.

Murray discloses icons indicating commands for determining functions of the recording module (see col. 5, lines 5-40; col. 8, lines 30-67; Fig. 4),

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have command icons as taught by Murray to the recoding system of Henmi as modified by Oda, Haroun and Judson to have a graphical user interface that provides for controlling multiple sequential-playback objects which provides for ease of use, reduction of screen clutter, rapidity of command execution and conservation of computer resources (see col. 2, lines 39-45).

As to claims 30 and 35-36, they contain the limitations of claim 25 and are analyzed as previously discussed with respect to claim 25 above.

As for claims 26 and 31, note the discussion above, Henmi fails to disclose that said network through which the data is received is the Internet.

Haroun discloses the codes are downloaded from a server via internet after the recording module is registered (see col. 7, line 43-col. 8, line 10),

It would have been obvious to one of ordinary skill in the art at the time of invention to include device registration as taught by Haroun in the recoding system of Henmi as modified by Oda for the typical benefit of ease of use, improved functionality, and reduced costs resulting from the elimination of the interface components of the consumer electronics devices (see col. 1, lines 25-29).

As to claims 27 and 32, Henmi discloses that said operation time of said recording module is stored in a memory (e.g., means 5; Fig. 9 and 16) (see col. 6, line 4 through col. 7, line 11; col. 12, lines 1-8).

As to claims 28 and 33, Henmi discloses that said recording module is a video recording module (see col. 4, line 49 – col. 5, line 14; col. 6, lines 52- 67).

As to claims 29 and 34, Henmi discloses that said recording module is a television program recording module (col. 4, line 49 – col. 5, line 14; col. 6, lines 52-67).

As for claims 37 and 39, note the discussion above, Henmi discloses recording module and storage means (see col. 6, line 4 through col. 7, line 11).

Henmi fails to disclose recording module is registered in a storage means accessible by said reception device.

In analogous art, Haroun disclose recording module is registered in a storage means accessible by said reception device (e.g., VCR is connected to computer 15 with IEEE 1394/USB bus which will cause computer 15 assigning a ID to VCR; Fig. 1) (see col. 4, lines 5-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include device registration as taught by Haroun in the recoding system of Henmi as modified by Oda for the typical benefit of ease of use, improved

functionality, and reduced costs resulting from the elimination of the interface components of the consumer electronics devices (see col. 1, lines 25-29).

As to claims 38 and 40, Henmi fails to disclose the registration information is retrieved each time said text control commands are received by said receiving means.

Haroun discloses the registration information is retrieved each time said text control commands are received by said receiving means (e.g., every command string includes device's name) (see col. 8, lines 39-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include device registration as taught by Haroun in the recoding system of Henmi as modified by Oda for the typical benefit of ease of use, improved functionality, and reduced costs resulting from the elimination of the interface components of the consumer electronics devices (see col. 1, lines 25-29).

Response to Arguments

9. Applicant's arguments filed 8/4/2011 have been fully considered but they are not persuasive.

Applicant argues "*Applicant submits that the combination of Henmi and Judson changes the principle of operation of Henmi.*" (Remarks (filed 8/4/11), page 13).

However, the examiner respectfully disagrees. In *KSR International Co. v. Teleflex Inc.*, the Court found that if all the claimed elements are known in the prior art

Art Unit: 2426

then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention. In that regard, Henmi discloses using teletext for video recording reservation (i.e., controlling the video recorder) (col. 3, lines 30-47; col. 4, lines 1-14, 45-60; col. 6, line 4 through col. 7, line 11; col. 7, line 35-col. 8, line 45; col. 11, line 54 – col. 12, line 12).

Haroun discloses the control codes are downloaded from a server via internet and a graphical user interface for displaying button controlling the electronic devices (see col. 7, line 43-col. 8, line 10, col. 9, lines 25-35). And Judson discloses displaying web pages on the monitor via a web browser, the web pages have control buttons/links that allow users to select (e.g., Fig. 1, 2 and 5) (col. 4, lines 35-50; col. 6, lines 13-24).

Therefore, the combination of Henmi, Haroun and Judson would yield the teaching of “displaying means for displaying the text based control commands in web pages by using a web browser application”. And such combination will not change the principle of operation of Henmi. One of ordinary skill in the television art would recognize Judson’s teaching is an addition to Henmi’s system. In other words, by improving Henmi’s system with the HTML format data from Judson would yield a system compatible with teletext and HTML format data.

Applicant further argues “*Henmi’s recording apparatus and method rely on “teletext” that is a dedicated format for characters superimposed on the vertical blanking period from a video signal. Henmi describes the “teletext” format in detail in Figures 1-9. Henmi further describes in column 6, lines 5-10 the transmission of teletext, “a character*

Art Unit: 2426

signal extracting section for extracting character signals superimposed on the vertical blanking period from a video signal a." Henmi does not disclose or suggest other text formats may be used by Henmi's invention." (Remarks (filed 8/4/11), page 14)

The examiner respectfully disagrees. In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, using vertical blanking period to transmit web pages is known to the ordinary skill in the television art at the time of the invention. For example, the system called "Intericast." In this system, internet content will be provided simultaneously with the TV video signal. The Web pages are sent in the vertical blanking interval (VBI) of the video signal (see *Hidary et al.* (patent # US 5778181), col. 2 lines 50-60).

Applicant further argues "*Applicant submits that the combination of Henmi and Judson changes the principle of operation of Henmi from a "teletext" based application to a HTML based application.*" (Remarks (filed 8/4/11), page 14)

The examiner respectfully disagrees. Applicant did not show any reason why the combination of Henmi and Judson would have the result of substitution (replace

Art Unit: 2426

teletext to HTML), not addition (teletext and HTML). Further, Treffers et al. in US patent # 5940071 (col. 6, lines 8-44) discloses a television system that receiving both HTML pages and teletext pages. Again, one of ordinary skill in the art would recognize Henmi in view of Judson would yield the teaching of a system that to decode teletext and HTML format data.

It is clear from prior art that those of ordinary skill in the television art at the time of the invention would have been familiar with a system that can operate with teletext and HTML format data. In that regard, Appellant has provided no evidence that using teletext and HTML format data in a television system yields an unexpected result or was beyond the skill of one having ordinary skill in the art.

Inter alia, applicant's arguments are not persuasive, the rejections are maintained.

Conclusion

10. Claims 25-40 are rejected.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishigaki et al. (US Patent # 5900912) is cited to teach by detecting start time data from video signal to start recoding video.

Iwamura (patent # US 5883621)

Humpleman et al. (Patent # US 6288716)

Hidary et al. (Patent # US 5778181)

Treffers et al. (Patent # US 5940071)

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUN FEI ZHONG whose telephone number is (571)270-1708. The examiner can normally be reached on M-F, 7:30~5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on 571-272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2426

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFZ
10/21/2011

/JUN FEI ZHONG/

Primary Examiner, Art Unit 2426